REMARKS

Claims 1-33 were pending in the application. Claims 1, 7-8, 10, 14-15, and 27-28 have been amended. Claims 6, 13, 25, and 26 have been cancelled. Accordingly, claims 1-5, 7-12, 14-24, and 27-33 are pending in the application.

35 U.S.C § 102(b)

The Examiner has rejected claims 1-21, 23, and 25-33 under 35 U.S.C. 102(b) as being anticipated by Higuchi et al. (U.S. Patent 5,774,731).

Applicant respectfully submits that Higuchi fails to teach or suggest "the first processing node sending a first probe response to the second processing node in response to the broadcast message; and the third processing node sending a second probed response to the second processing node in response to the broadcast message" as recited in claim 1.

The examiner contends that the features highlighted above are disclosed in column 3, lines 12-17, column 8, lines 38-41, and column 23, lines 16-20 of Higuchi. Applicant respectfully submits that Hoguchi teaches, in a first implementation, "when any one node 2 wants to access any shared file, the node 2 transmits over the network 1 a broadcast request message to the broadcast message exchange circuit 12." (Higuchi, Column 8, Lines 21-24) In Higuchi, after the broadcast message exchange circuit 12 receives the broadcast request message, "the broadcast message exchange circuit 12 generates a broadcast message including the broadcast information, and broadcasts the generated broadcast message to all nodes over the network 1...The broadcast message...includes a lock request...Each node 2 judges whether the lock request in the broadcast message is to be granted." (Higuchi, Column 8, Lines 28-41) In this implementation, the nodes determine whether to grant the lock request, not the resource managing node. (Higuchi, Column 15, Lines 9-12)

In addition, Hoguchi teaches, in a second implementation, "each of a plurality of access

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requesting nodes gets the processor 24 to check the contents of the registers 152 and 153 to see if the target resource managing node is currently locked and, when the target node is found to be locked, to see if this access requesting node has succeeded in locking the target resource." (Higuchi, Column 23, Lines 16-45) In this implementation, the nodes check whether the registers 152 and 153 indicate that their lock request was granted. (Higuchi, Column 21, Lines 15-18)

In sum, Higuchi fails to teach or suggest that **the first processing node** (i.e., the lock requesting node) **sends a first probe response to the second processing node** (i.e., the arbitrating node) **in response to the broadcast message and the third processing node sends a second probed response to the second processing node** (i.e., the arbitrating node) **in response to the broadcast message**. (see Applicant's Specification, Page 17, Line 30 – Page 18, Line 20) In accordance, claim 1 is believed to patentably distinguish over Higuchi.

Claims 2-5 and 7-9 depend on independent claim 1 and are therefore believed to patentably distinguish over Higuchi for at least the reasons given above.

Additionally, independent claim 15 recites features similar to those highlighted above with regard to independent claim 1 and is therefore believed to patentably distinguish over Higuchi for at least the reasons given in the above paragraph discussing claim 1. Claims 15-21, 23, and 27-33 depend on claim 15 and are therefore believed to patentably distinguish over Higuchi for the same reasons.

Furthermore, Applicant respectfully submits that Higuchi fails to teach or suggest "each of the first and the third processing nodes sending a first corresponding probe response message to the second processing node in response to the broadcast message" as recited in claim 10. The examiner contends that the features highlighted above are disclosed in column 3, lines 12-17, column 8, lines 38-41, and column 23, lines 16-20 of Higuchi. Applicant notes that the referenced text of Higuchi discloses the process for obtaining a lock, not for releasing a lock. In addition, Applicant respectfully disagrees with the Examiner for at least the reasons stated above

with reference to independent claim 1. In accordance, claim 10 is believed to patentably distinguish over Higuchi.

Claims 11, 12, and 14 depend on claim 10 and are therefore believed to patentably distinguish over Higuchi for the same reasons.
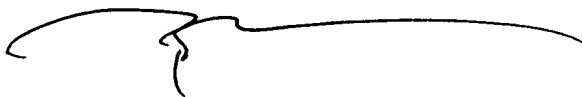
35 U.S.C § 103(a)

The Examiner also rejected claims 22 and 24 under 35 U.S.C. 103(a) as being unpatentable over Higuchi in view of Shirivastava et al. (USPN 6,163,855). Claims 22 and 24 are dependent upon claim 15, and are believed to patentably distinguish over the cited references for at least the reasons given in the above paragraph discussing claim 15.

CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5500-98300/BNK.

Respectfully submitted,

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